



Office of the Attorney General
State of Texas

August 25, 1998

DAN MORALES
ATTORNEY GENERAL

Ms. Katheryn H. West
Assistant City Attorney
Prosecution Division
City of Dallas
2014 Main Street, Room 206
Dallas, Texas 75201

OR98-2017

Dear Ms. West:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 117619.

The City of Dallas (the "city") received a request for the "full arrest report [of] service #0338743G" and also for "the video tape that was taken" of the requestor. You assert that the requested information is excepted from required public disclosure based on section 552.108 of the Government Code.

Section 552.108 of the Government Code reads in relevant part as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

...

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.


You inform us that the requested information concerns a prosecution of the charges of driving while intoxicated and possession of a controlled substance. You state that the trial of the case is scheduled for July 2, 1998, and that the release of information concerning the case would "greatly encumber the State's ability to effectively prosecute this offense." You

also submitted to this office a letter from the Dallas County District Attorney's Office in which Assistant District Attorney Tammy Harrison states that the information concerns three pending cases and that release of the information would interfere with the prosecution.

We conclude that the city has established that the release of the information pertaining to pending cases would interfere with the prosecution of those cases. Section 552.108 is inapplicable to basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). We believe such basic information refers to the information held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App. --Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, with the exception of the basic information, the city may withhold from disclosure based on section 552.108(a)(1) the information that pertains to cases that are pending prosecution. If the case is no longer pending, the city has not established the applicability of section 552.108 (a)(1).

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings
Assistant Attorney General
Open Records Division

KHH/mjc

Ref.: ID# 117619

Enclosures: Submitted documents

cc: Ms. Michelle Bennett
6821 Merrilee Lane
Dallas, Texas 75214
(w/o enclosures)